

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-13 and 15 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-7, 10, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Danneels et al (U.S. Patent No. 5,663,951, hereafter “Danneels”), in view of Ishibashi et al, (“A Synchronization Mechanism for Continuous Media in Multimedia Communication”, INFOCOM '95. Fourteenth Annual Joint Conference of the IEEE Computer and Communications Societies. Bringing Information to People. Proceedings. IEEE 2-6 April 1995 Page(s): 1010 - 1019 vol. 3, hereafter “Ishibashi”). Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Danneels in view of Ishibashi and further in view of Little et al. (“Network and Operating Systems Support for Digital Audio and Video: Proceedings, 5th International Workshop on Network and Operating Systems Support for Digital Audio and Video, Springer 1995”, hereafter “Little”). Claims 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Danneels in view of Ishibashi and further in view of Keshab et al. (“Digital Signal Processing for Multimedia systems”, CRC Press 1999, pg. 245 and 274, hereafter “Keshab”). Applicant respectfully traverses the prior art rejections.

Independent claim 1 recites in part:

a video link (L2) between these connection means (ML1) and the video terminal (PC1) of the first pair,
an audio link (L1) between these connection means (ML1) and the audio terminal (TM1) of the first pair,
a video link (L3-2) between these connection means (ML1) and the second pair (TM2, PC2), and

an audio link (L3-1) between these connection means (ML1) and the second pair (TM2, PC2),

wherein the connection means synchronizes audio and video data according to a delay.

In the previous Office Action dated February 7, 2008, the Examiner acknowledged that Danneels does not teach or suggest the feature “wherein the connection means synchronizes audio and video data according to a delay”, as recited in independent claim 1.² The Examiner thus relied on Ishibashi to allegedly remedy this conceded deficiency of Danneels, and cited Section 2 of Ishibashi as allegedly teaching this aspect of the claim.

In the previous Amendment filed on May 7, 2008, Applicant submitted that Ishibashi does not teach or suggest this aspect of the claim. Ishibashi synchronizes a slave streams with a master stream (Section 2), and does not define the master stream and slave stream. Accordingly, Ishibashi does not teach or suggest “the connection means synchronizes audio and video data according to a delay”, as recited in claim 1.

In response, the Examiner now contradicts himself and asserts that Danneels does indeed teach the feature “wherein the connection means synchronizes audio and video data according to a delay”, as recited in independent claim 1. The Examiner asserts:

The nature of audio and video signals are typically asynchronous, i.e. not synchronous as demonstrated in speech and images, thus the audio and video terminals are asynchronous and wherein the connection means synchronizes audio and video data according to a delay. (2:[0014] read [a] first subset of the data packets i.e. audio packets, is transmitted from the local node to a remote node, and then a subsequent subset of the data packets i.e. video packets, is

² Page 5 of the Office Action.

transmitted from the local node to the remote node after a delay to avoid overloading the remote node with data packets)³
Applicant finds the Examiner's varying positions and argument very unclear.

The core of the present invention is the establishment of multimedia communications (in both ways, i.e., sending and receiving) between two pairs of audio and video terminals, in the specific environment of asynchronous networks, and the two terminals of at least the first pair are asynchronous. Packets are delayed with the objective of synchronizing audio and video streams in this specific environment (see pages 2 and 3 of the original specification).

The present invention operates in the specific environment of asynchronous networks. Dating means attaches a transmit time mark and an identifier to audio and video data coming from respective first audio and video terminals before the transmission of the audio and video data to a second pair of terminals. On the basis of the time marking, it is possible to determine the transmission time difference between the audio data and the video data, and then make up for the difference by delaying the transmission of the audio data to the receiving audio communication terminal (see page 3 of the original specification). The video packets are transmitted without delay. Audio packets are delayed with the objective of synchronizing audio and video streams in this specific environment (see pages 2 and 3 of the original specification). Applicant respectfully submits that this aspect of the invention and claims is neither, taught, suggested or contemplated by Danneels, and further submits that Danneels has little or no relevance to the claimed invention.

³ Page 4 of the Office Action.

Danneels has a completely different objective. Danneels only deals with capacity issues (that is, the objective of Danneels is to avoid overloading) and does not address specific issues regarding asynchronous networks with random transmission times (as acknowledged by the Examiner).

Danneels teaches a system for delaying the transmission of data over a network in order to avoid overloading of a remote node, in the case where real-time data is transmitted in a non real-time environment. A first subset of data packets is transmitted from a local node to the remote node, and then a subsequent subset of the data packets is transmitted from the local node to the remote node after a delay to avoid overloading the remote load (column 1, line 61 to column 2, line 11. The first subset of data packets are never synchronized according to a delay. Synchronizing the first subset of data packets with the second subset of data packets would destroy the intent of Danneels, since this would result in overloading of the remote node with data packets that it does not have the bandwidth to received and/or process. Therefore Danneels cannot teach “the connection means synchronizes audio and video data according to a delay”, as claimed.

With respect to Ishibashi, Applicant respectfully submits that there is no teaching or suggestion in Ishibashi that “the connection means synchronizes audio and video data according to a delay”, as recited in claim 1.

Ishibashi does not describe the communication between two pairs of audio and video terminals (FIG. 1 of Ishibashi). In Ishibashi, the source includes two terminals, whereas the destination only includes one terminal (there is no pair on the destination side, contrary to the Examiner’s assertion). Additionally, Ishibashi does not describe the specific configuration as

disclosed in the claimed invention, i.e., the asynchronous networks with random transmission times.

Ishibashi teaches synchronizing a master stream and a slave stream, but does not specify what the master and slave streams represent. Ishibashi further proposes media synchronization of tightly coupled media streams and loosely coupled media streams. Moreover, Ishibashi teaches in Note 5 of section 2 that if there is no relation between the streams, media synchronization is not performed. Nowhere does Ishibashi teach or suggest synchronizing audio and video data according to a delay.

Ishibashi discloses a synchronization mechanism in a high speed network. Applicant respectfully submits that the claimed local network is not equivalent to a high speed network.

Further, Ishibashi does not teach or suggest that the connection means synchronizes audio and video data according to a delay.

Further, Applicant respectfully requests that the Examiner clearly indicate how Ishibashi is being interpreted.

Further, the Examiner does not address how one of ordinary skill in the art would have been able to modify Danneels in view of Ishibashi to produce the claimed invention since Danneels is based on delaying subsets of data in order to prevent overload at a remote node, while Ishibashi relates to the synchronization of tightly coupled media streams and loosely coupled media streams. The references are directed to completely different objectives such that there is no reason to combine or modify their teachings in view of each other.

Accordingly, Applicant respectfully submits that claim 1 should be allowable because the cited references do not teach or suggest all of the features of the claim. Claims 2-13 and 15 should also be allowable at least by virtue of their dependency on independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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